IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

SINGER OIL COMPANY, LLC, Plaintiff, vs. NEWFIELD EXPLORATION MID-CONTINENT, INC., and HALLIBURTON ENERGY SERVICES, INC., Defendants.	)	Case No. CIV-16-768-M

ORDER

Before the Court is plaintiff's Motion to Compel Production of 'Other Similar Incidents' Evidence, filed February 1, 2017. On February 22, 2017, defendant Newfield Exploration Mid-Continent, Inc. ("Newfield") filed its response. Based upon the parties' submissions, the Court makes its determination.

Plaintiff moves this Court to compel Newfield to produce evidence of fracking related "other similar incidents." Specifically, plaintiff requests that Newfield respond to discovery requests seeking (1) "Any document that in any way pertains to any past hydraulic fracturing liability claim(s) made against this Defendant within the last preceding 10 years"; (2) "all documents relating to or concerning any and all prior/other claims made against you by this or any other claimant that were similar to the captioned action"; and (3) "all documents relating to or concerning any and all prior lawsuits made against you that were similar to the captioned action". Plaintiff's Motion to Compel Production of 'Other Similar Incidents' Evidence & Brief in Support at 2-3. Plaintiff asserts that the evidence sought is relevant, is adequately defined, and is sufficiently limited. Newfield contends that plaintiff's requests are irrelevant since plaintiff knowingly and expressly limited its claims and damages by contract. Newfield further contends that the requests are impermissibly broad.

Federal Rule of Civil Procedure 26(b)(1) provides, in pertinent part:

> Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable.

Fed. R. Civ. P. 26(b)(1).

Having carefully reviewed the parties' submissions, the Court finds that "other similar incidents" evidence is relevant to plaintiff's claims in this case. Specifically, the Court finds that at this stage of the proceedings, no determination has been made as to whether plaintiff's claims and/or damages are limited by the Consent Agreement entered into between plaintiff and Newfield and, thus, evidence regarding "other similar incidents" would be relevant to plaintiff's claims. The Court, however, finds that plaintiff's requests for documents regarding "other similar incidents" are overly broad and should be limited as follows: (1) the requests should be limited to the last five (5) years, and (2) the requests should be limited to a list of counties in Northwest Oklahoma to be provided by plaintiff.[1]

Accordingly, the Court GRANTS IN PART and DENIES IN PART plaintiff's Motion to Compel Production of 'Other Similar Incidents' Evidence [docket no. 26] and COMPELS Newfield to respond to plaintiff's discovery requests seeking information regarding "other similar

[1] Plaintiff shall provide the list of counties within ten (10) days of the date of this Order.

incidents" that occurred within the last five (5) years and that occurred in a county in Northwest Oklahoma that is set forth in the list of counties provided by plaintiff. Newfield shall provide its responses within thirty (30) days of the date of this Order.

IT IS SO ORDERED this 5th day of April, 2017.

VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE